

Judith Ursin
88 Leonard Ridge Road
Lebanon, CT 06249

**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

Judith Ursin
Registered Nurse License No. E52326
Respondent.

MEMORANDUM OF DECISION
ON
REINSTATEMENT REQUEST

1996-0130-010-004

PROCEDURAL BACKGROUND

Judith Ursin (hereinafter the Respondent) was issued Licensed Practical Nurse License, No. 017155 on December 1, 1977. The Respondent's licensed practical nurse license expired on June 27, 1991 and has not been renewed. (Board Exhibit 1, p. 25)

Pursuant to a Memorandum of Decision dated March 19, 1981 the Board of Examiners for Nursing (hereinafter the Board) ordered the licensed practical nurse license of the respondent suspended for a period of six (6) months effective April 1, 1981. The suspension was ordered due to the Respondent's diversion of the controlled substance Demerol from Windham Community Memorial Hospital, Willimantic, Connecticut on or about March 1980. (Board Exhibit 1, pp. 25, 31-33)

The Respondent was issued Registered Nurse License, No. E52326 on April 24, 1989. (Board Exhibit 1, p. 24)

Pursuant to an Amended Memorandum of Decision dated December 2, 1992, the Respondent's registered nurse license was revoked effective January 1, 1993. The revocation was ordered due to the

respondent's conduct related to the diversion and abuse of the controlled substance Demerol while working as a registered nurse at Windham Community Memorial Hospital, Willimantic, Connecticut during and subsequent to September 1987, and at Johnson Memorial Hospital, Stafford Springs, Connecticut during July and August 1992. (Board Exhibit 1, pp. 23-30)

The Respondent petitioned the Board requesting reinstatement of her registered nurse license. Pursuant to the Respondent's request the Board issued a Notice of Hearing dated January 17, 1996 scheduling a hearing for April 24, 1996 (Board Exhibit 1, p. 4). The hearing was held on April 24, 1996 at the Wethersfield Town Hall, Silas Deane Highway, Wethersfield, Connecticut. Subsequent to the hearing the court reporting service did produce a transcript, thereby the Board was unable to render a decision. (Board Exhibit 2) (Hearing Transcript, November 20, 1996, p. 2)

The respondent filed a Motion Requesting New Hearing dated September 10, 1996. The Board granted the Respondent's Motion and issued a Notice of Hearing dated October 2, 1996 scheduling a hearing for November 20, 1996. (Board Exhibit 2)

The hearing took place on November 20, 1996 in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut. The Respondent was present at the hearing and was represented by counsel. (Hearing Transcript, November 20, 1996)

During the hearing the Respondent presented a Motion for Order Without Oral Testimony (Respondent's Exhibit D). The Board granted the Respondent's motion that the Board render a decision in this matter by reinstating the Respondent's registered nurse license with an order of probation. (Hearing Transcript, November 20, 1996, pp. 9-10). Said decision would be based on the Board's review of the documentary evidence presented during the hearing, thereby foregoing the presentation of oral testimony.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record and the Board's specialized professional knowledge in evaluating the evidence.

FACTS

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Since on or about March 1994 the Respondent has engaged in continuous therapy and counseling for substance abuse. The Respondent's treatment program has consisted of individual treatment and counseling for chemical dependency and participation in the Continuing Care Group for Impaired Health Care Professionals at the Blue Ridge Center, Hartford, Connecticut. The Respondent's therapist is of the opinion that the Respondent would be a safe practitioner. (Respondent's Exhibit's A-I; B, p. 4)
2. From on or about August 1994 through October 1996 the Respondent has submitted to random urine screens for alcohol and drugs. The results of the screens have been negative for the presence of drugs and/or alcohol. (Respondent's Exhibits A-IV; B-B)
3. Since on or about September 1992, the Respondent has been employed as a receptionist and insurance coordinator at Windham Orthopaedic Surgical Group, Willimantic, Connecticut where she has been a responsible, hard working and dependable employee. The Respondent's employer has indicated a willingness to employ the Respondent as a registered nurse. (Respondent's Exhibits A-III; B, p. 6)
4. The Respondent actively participates in Alcoholics Anonymous and the support group Nurses for Nurses. The Respondent has the support of a sponsor with whom she meets on a regular basis. The Respondent has demonstrated a motivation and commitment to her recovery program. (Respondent's Exhibits A-III, p. 7; B, p. 7)

DISCUSSION AND CONCLUSIONS

In accordance with the Notice of Hearing, the Respondent has the burden of satisfying the Board that she is able to practice nursing with reasonable skill and safety by presenting relevant evidence at the hearing, including the following:

1. Documentary or testimonial evidence documenting her drug free status, her emotional health, and her ability to administer safe nursing care, including the administration of controlled substances;
2. Personal references stipulating, but not limited to the following: her drug free status, emotional health, and work habits;
3. Documentary or testimonial evidence from her current and past employers regarding her employment performance;
4. Copies of random screens for drugs and alcohol which support her drug free status;
5. Documentation of participation in support groups and support of a sponsor.

The Board finds that the Respondent has presented relevant evidence as required by the Notice of Hearing. Based on a review of the evidence the Board concludes that the Respondent has met the burden of satisfying the Board of her ability to practice nursing with reasonable skill and safety.

ORDER

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

1. That the registered nurse license, No. E52326, of the Respondent Judith Ursin, be reinstated to probationary status effective January 15, 1997.
2. That the Respondent's registered nurse license, No. E52326, is placed on probation for a period of four (4) years.
3. If any of the following conditions of probation are not met, the Respondent's registered nurse license may be subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

- A. The Respondent shall successfully complete a Board approved registered nurse refresher program.
- B. Certification of successful completion of the refresher program cited in A above shall be submitted to the Board, directly from the educational institution where said program was taken, within thirty (30) days of the program's completion.
- C. Until such time the Board is notified of the Respondent's successful completion of the refresher program, the Respondent's registered nurse license will be restricted and used for the sole purpose of participating in the refresher program.
- D. During the period of probation the Board shall pre-approve the Respondent's employment or change of employment within the nursing profession.
- E. The Respondent shall provide a copy of this Memorandum of Decision to any and all employers if employed as a nurse during the probationary period. The Board shall be notified in writing by any employer(s), within thirty (30) days of the commencement of employment, as to receipt of a copy of this Memorandum of Decision.
- F. If employed as a nurse, the Respondent shall cause monthly employer reports to be submitted to the Board by her immediate supervisor during the entire probationary period. Employer reports shall commence with the report due on the first business day of the month following employment as a nurse.
- G. The employer reports cited in Paragraph F above shall include documentation of the Respondent's ability to safely and competently practice nursing. Employer reports shall be submitted directly to the Board at the address cited in Paragraph R below.

- H. Should the Respondent's employment as a nurse be voluntarily or involuntarily terminated, the Respondent and/or her employer shall notify the Board, within seventy-two (72) hours, of such termination.
- I. At her expense, the Respondent shall engage in therapy and counseling for chemical dependency with a licensed or certified therapist during the entire period of probation.
- J. The Respondent shall provide a copy of this Memorandum of Decision to her therapist. The Board shall be notified in writing by her therapist, within thirty (30) days of the effective date of this Decision, as to receipt of a copy of this Memorandum of Decision.
- K. The Respondent shall cause monthly evaluation reports to be submitted to the Board by her therapist during the entire probationary period. Evaluation reports from her therapist are due on the first business day of the month commencing February 1997.
- L. The therapist reports cited in Paragraph K above shall include documentation of dates of treatment, and an evaluation of the Respondent's progress, including alcohol and drug free status, and ability to safely and competently practice nursing. Therapist reports shall be submitted directly to the Board at the address cited in Paragraph R below.
- M. At her expense the Respondent shall be responsible for submitting to random urine and/or blood screens for alcohol and drugs for the entire probationary period, as ordered by her therapist, and/or personal physician, and/or the Board of Examiners for Nursing. Random alcohol/drug screens shall be legally defensible in that chain of custody procedures must be followed throughout the screening process. The Respondent shall be responsible for immediately notifying the laboratory, her therapist and/or personal physician and the Board of Examiners for Nursing of any drug(s) she is taking.

There must be at least two (2) such random alcohol/drug screen monthly during the first and fourth years of probation and at least one (1) random alcohol/drug screen monthly during the second and third years of the probationary period. Reports of said alcohol/drug screens are due on the first business day of the month commencing February 1997.

Random alcohol/drug screens shall be negative for the presence of alcohol and drugs. All positive results shall be confirmed by the Gas Chromatograph Mass Spectrometer (GC/MS) testing method. Chain of custody documentation must accompany all laboratory reports and/or the laboratory reports must indicate that chain of custody procedures have been followed.

Random alcohol/drug screens must include testing for the following substances:

- Amphetamines
- Barbiturates
- Benzodiazepines
- Cannabinoids (THC Metabolites)
- Cocaine
- Meperidine (Demerol)
- Methadone
- Methaqualone
- Opiates (Metabolites)
- Phencyclidine (PCP)
- Propoxyphene
- Ethanol (alcohol)

Reports of random alcohol and drug screens shall be submitted directly to the Board, at the address cited in Paragraph R below, by the Respondent's therapist, personal physician or the testing laboratory.

- N. The Respondent shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for her, for a legitimate purpose, by a licensed health care practitioner authorized to prescribe medications. The Respondent shall not abuse and/or excessively any drugs that are prescribed for a legitimate medical purpose.

- O. The Respondent is hereby advised that the ingestion of poppy seeds may produce a positive drug screen result indicating the presence of opiates/morphine. For that reason, any food substance containing poppy seeds should be avoided during the probationary period. In the event that a drug/alcohol screen is positive for opiates/morphine, the ingestion of poppy seeds shall not constitute a defense to such positive screen.
- P. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of employment.
- Q. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.
- R. All correspondence and reports are to be addressed to:

**DEPARTMENT OF PUBLIC HEALTH
BOARD OF EXAMINERS FOR NURSING
LEGAL OFFICE - MONITORING & COMPLIANCE**
410 Capitol Avenue, MS #12LEG
P. O. Box 340308
Hartford CT 06134-0308

- 4. Any deviation from the terms of probation, without prior written approval by the Board of Examiners for Nursing, will constitute a violation of probation which will be cause for an immediate hearing on charges of violating this Order. Any finding that the Respondent has violated this Order will subject the Respondent to sanctions under §19a-17(a) and (c) of the General Statutes of Connecticut, including but not limited to, the revocation of her license. Any extension of time or grace period for reporting granted by the Board of Examiners for Nursing shall not be a waiver or preclude the Board's right to take subsequent action. The Board of Examiners for Nursing shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to the Respondent's address of

record (most current address reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department of Public Health or the Board of Examiners for Nursing).

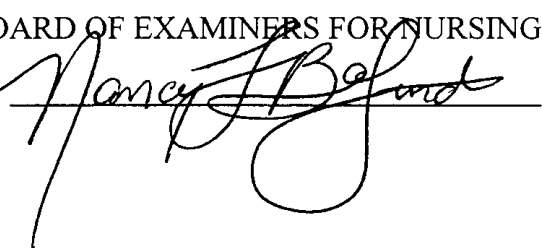
5. This Memorandum of Decision becomes effective, and the four (4) year probation of the Respondent's registered nurse license shall commence, on January 15, 1997.

The Board of Examiners for Nursing hereby informs the Respondent, Judith Ursin, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 8th day of January, 1997.

BOARD OF EXAMINERS FOR NURSING

By

A handwritten signature in cursive script, appearing to read "Nancy J. Beland", is written over a horizontal line.

URSIN.DOC